

REFERENCE TITLE: initiative and referendum reform

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

## HCR 2033

Introduced by  
Representatives Sinema, Campbell CH, Reagan: Biggs, Campbell CL, Driggs,  
Meza

### A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IV,  
PART 1, SECTION 1, CONSTITUTION OF ARIZONA; AMENDING ARTICLE XXI, SECTION 1,  
CONSTITUTION OF ARIZONA; RELATING TO INITIATIVE AND REFERENDUM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the  
2 Senate concurring:

3 1. Article IV, part 1, section 1, Constitution of Arizona, is proposed  
4 to be amended as follows if approved by the voters and on proclamation of the  
5 Governor:

6 1. Legislative authority: initiative and referendum

7 Section 1. (1) Senate; house of representatives;  
8 reservation of power to people. The legislative authority of  
9 the state shall be vested in the legislature, consisting of a  
10 senate and a house of representatives, but the people reserve  
11 the power to propose laws and amendments to the constitution and  
12 to enact or reject such laws and amendments at the polls,  
13 independently of the legislature; and they also reserve, for use  
14 at their own option, the power to approve or reject at the polls  
15 any act, or item, section, or part of any act, of the  
16 legislature.

17 (2) Initiative power. The first of these reserved powers  
18 is the initiative. Under this power ~~ten~~ SEVEN per ~~centum~~ CENT  
19 of the qualified electors shall have the right to propose any  
20 measure, and ~~fifteen~~ TEN per ~~centum~~ CENT shall have the right to  
21 propose any amendment to the constitution.

22 (3) Referendum power; emergency measures; effective date  
23 of acts. The second of these reserved powers is the referendum.  
24 Under this power the legislature BY AT LEAST A TWO-THIRDS VOTE  
25 OF EACH HOUSE OF THE LEGISLATURE, or five per ~~centum~~ CENT of the  
26 qualified electors, may order the submission to the people at  
27 the polls of any measure, or item, section, or part of any  
28 measure, enacted by the legislature, except laws immediately  
29 necessary for the preservation of the public peace, health, or  
30 safety, or for the support and maintenance of the departments of  
31 the state government and state institutions; but to allow  
32 opportunity for referendum petitions, no act passed by the  
33 legislature shall be operative for ninety days after the close  
34 of the session of the legislature enacting such measure, except  
35 such as require earlier operation to preserve the public peace,  
36 health, or safety, or to provide appropriations for the support  
37 and maintenance of the departments of the state and of state  
38 institutions; provided, that no such emergency measure shall be  
39 considered passed by the legislature unless it shall state in a  
40 separate section why it is necessary that it shall become  
41 immediately operative, and shall be approved by the affirmative  
42 votes of two-thirds of the members elected to each house of the  
43 legislature, taken by roll call of ayes and nays, and also  
44 approved by the governor; and should such measure be vetoed by  
45 the governor, it shall not become a law unless it shall be

1 approved by the votes of three-fourths of the members elected to  
2 each house of the legislature, taken by roll call of ayes and  
3 nays.

4 (4) Initiative and referendum petitions; filing. All  
5 petitions submitted under the power of the initiative shall be  
6 known as initiative petitions, and shall be filed with the  
7 secretary of state not ~~less than four months~~ **LATER THAN MAY 15**  
8 preceding the date of the election at which the measures so  
9 proposed are to be voted upon. All petitions submitted under  
10 the power of the referendum shall be known as referendum  
11 petitions, and shall be filed with the secretary of state not  
12 more than ninety days after the final adjournment of the session  
13 of the legislature which shall have passed the measure to which  
14 the referendum is applied. The filing of a referendum petition  
15 against any item, section, or part of any measure shall not  
16 prevent the remainder of such measure from becoming operative.

17 (5) Effective date of initiative and referendum measures.  
18 Any measure or amendment to the constitution proposed under the  
19 initiative, and any measure to which the referendum is applied,  
20 shall be referred to a vote of the qualified electors, and shall  
21 become law when approved by a majority of the votes cast thereon  
22 and upon proclamation of the governor, and not otherwise.

23 (6) (A) Veto of initiative or referendum. The veto  
24 power of the governor shall not extend to an initiative measure  
25 approved by a majority of the votes cast thereon or to a  
26 referendum measure decided by a majority of the votes cast  
27 thereon.

28 ~~(6)~~ (B) Legislature's power to repeal initiative or  
29 referendum. The legislature shall not have the power to repeal  
30 an initiative measure approved by a majority of the votes cast  
31 thereon or to repeal a referendum measure decided by a majority  
32 of the votes cast thereon.

33 ~~(6)~~ (C) Legislature's power to amend initiative or  
34 referendum. The legislature shall not have the power to amend  
35 an initiative measure approved by a majority of the votes cast  
36 thereon, or to amend a referendum measure decided by a majority  
37 of the votes cast thereon, unless the amending legislation  
38 furthers the purposes of such measure and at least three-fourths  
39 of the members of each house of the legislature, by a roll call  
40 of ayes and nays, vote to amend such measure.

41 ~~(6)~~ (D) Legislature's power to appropriate or divert  
42 funds created by initiative or referendum. The legislature  
43 shall not have the power to appropriate or divert funds created  
44 or allocated to a specific purpose by an initiative measure  
45 approved by a majority of the votes cast thereon, or by a

1 referendum measure decided by a majority of the votes cast  
2 thereon, unless the appropriation or diversion of funds furthers  
3 the purposes of such measure and at least three-fourths of the  
4 members of each house of the legislature, by a roll call of ayes  
5 and nays, vote to appropriate or divert such funds.

6 (7) Number of qualified electors. The whole number of  
7 votes cast for all candidates for governor at the general  
8 election last preceding the filing of any initiative or  
9 referendum petition on a state or county measure shall be the  
10 basis on which the number of qualified electors required to sign  
11 such petition shall be computed.

12 (8) Local, city, town or county matters. The powers of  
13 the initiative and the referendum are hereby further reserved to  
14 the qualified electors of every incorporated city, town, and  
15 county as to all local, city, town, or county matters on which  
16 such incorporated cities, towns, and counties are or shall be  
17 empowered by general laws to legislate. Such incorporated  
18 cities, towns, and counties may prescribe the manner of  
19 exercising said powers within the restrictions of general laws.  
20 Under the power of the initiative fifteen per ~~centum~~ CENT of the  
21 qualified electors may propose measures on such local, city,  
22 town, or county matters, and ten per ~~centum~~ CENT of the electors  
23 may propose the referendum on legislation enacted within and by  
24 such city, town, or county. Until provided by general law, said  
25 cities and towns may prescribe the basis on which said  
26 percentages shall be computed.

27 (9) Form and contents of initiative and of referendum  
28 petitions; verification. Every initiative or referendum  
29 petition shall be addressed to the secretary of state in the  
30 case of petitions for or on state measures, and to the clerk of  
31 the board of supervisors, city clerk, or corresponding officer  
32 in the case of petitions for or on county, city, or town  
33 measures; and shall contain the declaration of each petitioner,  
34 for himself, that he is a qualified elector of the state (and in  
35 the case of petitions for or on city, town, or county measures,  
36 of the city, town, or county affected), his post office address,  
37 the street and number, if any, of his residence, and the date on  
38 which he signed such petition. Each sheet containing  
39 petitioners' signatures shall be attached to a full and correct  
40 copy of the title and text of the measure so proposed to be  
41 initiated or referred to the people, and every sheet of every  
42 such petition containing signatures shall be verified by the  
43 affidavit of the person who circulated said sheet or petition,  
44 setting forth that each of the names on said sheet was signed in  
45 the presence of the affiant and that in the belief of the

1       affiant each signer was a qualified elector of the state, or in  
2       the case of a city, town, or county measure, of the city, town,  
3       or county affected by the measure so proposed to be initiated or  
4       referred to the people.

5       (10) Official ballot. When any initiative or referendum  
6       petition or any measure referred to the people by the  
7       legislature shall be filed, in accordance with this section,  
8       with the secretary of state, he shall cause to be printed on the  
9       official ballot at the next regular general election the title  
10      and number of said measure, together with the words "yes" and  
11      "no" in such manner that the electors may express at the polls  
12      their approval or disapproval of the measure.

13      (11) Publication of measures. The text of all measures to  
14      be submitted shall be published as proposed amendments to the  
15      constitution are published, and in submitting such measures and  
16      proposed amendments the secretary of state and all other  
17      officers shall be guided by the general law until legislation  
18      shall be especially provided therefor.

19      (12) Conflicting measures or constitutional amendments. If  
20      two or more conflicting measures or amendments to the  
21      constitution shall be approved by the people at the same  
22      election, the measure or amendment receiving the greatest number  
23      of affirmative votes shall prevail in all particulars as to  
24      which there is conflict.

25      (13) Canvass of votes; proclamation. It shall be the duty  
26      of the secretary of state, in the presence of the governor and  
27      the chief justice of the supreme court, to canvass the votes for  
28      and against each such measure or proposed amendment to the  
29      constitution within thirty days after the election, and upon the  
30      completion of the canvass the governor shall forthwith issue a  
31      proclamation, giving the whole number of votes cast for and  
32      against each measure or proposed amendment, and declaring such  
33      measures or amendments as are approved by a majority of those  
34      voting thereon to be law.

35      (14) Reservation of legislative power. This section shall  
36      not be construed to deprive the legislature of the right to  
37      enact any measure except that the legislature shall not have the  
38      power to adopt any measure that supersedes, in whole or in part,  
39      any initiative measure approved by a majority of the votes cast  
40      thereon or any referendum measure decided by a majority of the  
41      votes cast thereon unless the superseding measure furthers the  
42      purposes of the initiative or referendum measure and at least  
43      three-fourths of the members of each house of the legislature,  
44      by a roll call of ayes and nays, vote to supersede such  
45      initiative or referendum measure.

1 (15) Legislature's right to refer measure to the people.  
2 Nothing in this section shall be construed to deprive or limit  
3 the legislature of the right to order the submission to the  
4 people at the polls of any measure, item, section, or part of  
5 any measure.

6 (16) Self-executing. This section of the constitution  
7 shall be, in all respects, self-executing.

8 2. Article XXI, section 1, Constitution of Arizona, is proposed to be  
9 amended as follows if approved by the voters and on proclamation of the  
10 Governor:

11 1. Introduction in legislature; initiative petition;  
12 election

13 Section 1. Any amendment or amendments to this  
14 constitution may be proposed in either house of the legislature,  
15 or by initiative petition signed by a number of qualified  
16 electors equal to ~~fifteen~~ TEN per ~~centum~~ CENT of the total  
17 number of votes for all candidates for governor at the last  
18 preceding general election. Any proposed amendment or  
19 amendments which shall be introduced in either house of the  
20 legislature, and which shall be approved by ~~a majority~~ AT LEAST  
21 TWO-THIRDS of the members elected to each of the two houses,  
22 shall be entered on the journal of each house, together with the  
23 ayes and nays thereon. When any proposed amendment or  
24 amendments shall be thus passed by ~~a majority~~ AT LEAST  
25 TWO-THIRDS of each house of the legislature and entered on the  
26 respective journals thereof, or when any elector or electors  
27 shall file with the secretary of state any proposed amendment or  
28 amendments together with a petition therefor signed by a number  
29 of electors equal to ~~fifteen~~ TEN per ~~centum~~ CENT of the total  
30 number of votes for all candidates for governor in the last  
31 preceding general election, the secretary of state shall submit  
32 such proposed amendment or amendments to the vote of the people  
33 at the next general election (except when the legislature shall  
34 call a special election for the purpose of having said proposed  
35 amendment or amendments voted upon, in which case the secretary  
36 of state shall submit such proposed amendment or amendments to  
37 the qualified electors at said special election,) and if a  
38 majority of the qualified electors voting thereon shall approve  
39 and ratify such proposed amendment or amendments in said regular  
40 or special election, such amendment or amendments shall become a  
41 part of this constitution. Until a method of publicity is  
42 otherwise provided by law, the secretary of state shall have  
43 such proposed amendment or amendments published for a period of  
44 at least ninety days previous to the date of said election in at  
45 least one newspaper in every county of the state in which a

1 newspaper shall be published, in such manner as may be  
2 prescribed by law. If more than one proposed amendment shall be  
3 submitted at any election, such proposed amendments shall be  
4 submitted in such manner that the electors may vote for or  
5 against such proposed amendments separately.  
6 3. The Secretary of State shall submit this proposition to the voters  
7 at the next general election as provided by article XXI, Constitution of  
8 Arizona.